

David R. Rodriguez #07A2529

Plaintiff(s)

vs.

Defendant(s)

Sgt. Sweeney, Sgt. Walker, C.O. Bellrose,
C.O. Ratnode.

INMATE
CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Civil Case No.: 9:10-cv-196
DNH/DRH

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: David R. Rodriguez, #07-A-2529
Address: Great Meadow Correctional Facility
Box: 51
Comstock, N.Y. 12821-0051

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: MR. Sweeney
Official Position: Sergeant
Address: Barre Hill Correctional Facility
Caller Box: 20, 181 Braud Rd.
Malone, N.Y. 12953-0020

b. Defendant: MR. walker
Official Position: Seargent

Address: Barehill Correctional Facility
Caller Box: 20, 181 Brand Rd.
Malone, N.Y. ~~4~~ 12953-0020

c. Defendant: MR. Bellrose.
Official Position: C.O.

Address: Barehill Correctional Facility
Caller Box: 20, 181 Brand Rd.
Malone, N.Y. 12953-0020

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?
☒ Yes () No

b. If your answer to 4(a) is YES, did you present the facts relating to your complaint in this grievance program?

☒ Yes () No

If your answer to 4(b) is YES:

(i) What steps did you take?

About Harassment, Abuse.
Excessive Force from C.O. & Sgt

(ii) What was the final result of your grievance?

Denied.

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Section - D Defendant: MR. Radnode
Official position: C.O.

Address: Barehill Correctional Facility.
Caller Box: 20, 181 Brand Rd.
Malone, N.Y. 12953-0020

If your answer to 4(b) is NO:

Why did you choose to not present the facts relating to your complaint in the prison's grievance program?

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

(☒) Yes () No

If your answer to 4(c) is YES:

- (i) What steps did you take?

About physical abuse by staff.
Excessive Force

- (ii) What was the final result regarding your complaint?

Denied.

If your answer to 4(c) is NO:

Why did you choose to not complain about the facts relating to your complaint in such prison?

5.

PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

() Yes (☒) No

- b. If your answer to 5(a) is YES you must describe any and all lawsuits, currently pending or closed, in the space provided on the next page.

For EACH such lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiffs:

Defendants:

- ii. Court (if federal court, name District; if state court, name County:

- iii. Docket number:

- iv. Name of Judge to whom case was assigned:

- v. Disposition (dismissed? on appeal? still pending?)

- vi. Approximate date of filing prior lawsuit:

- vii. Approximate date of disposition:

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary.)

On August 21, 2008 approximate from 1530 hrs. to 1630 hrs., I was taking in handcuff from K-II to the draft bldg, and question for a weapon that was found in the Main School within the class room I go to. I was question in front of Sgt. Sweeney and Sgt. Walker with (2) other C.O. when I keep saying I didn't know what they are talking about, I was assault by the (2) C.O. in front of Sgt. Sweeney and Sgt. Walker, then I was force

with my one hand behind my back to sign a blank paper and say I was from Brooklyn, New York. I keep on saying I'm not signing and there my arm behind my back was force more behind my head, then I sign and then I ask to go to Medical and I was denied Medical Assistance by the (2) C.O. and by the (2) Sgt.

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

In the Draft Room I was Questioned By both Sgt., Sweeney and Sgt. Walker about weapon found in the School building in the class that I attend. My answer to their Questions about that weapons was that I had no knowledge of them "whatsoever" I was truthfully in my answer to them.

SECOND CAUSE OF ACTION

After my reply, I was immediately pushed and slammed up against the wall and handcuffed me after I was handcuffed the two C.O. and the (2) Sgt. started to assault me by punching, kicking me, pulling my hair and ears, also they used derogatory insults while beating me.

THIRD CAUSE OF ACTION

As A result of this incident I suffered severe physical, Mental and Emotional anguish and pain, ever since the Assault and Abuse I have permanent pain on my body. also they violate my constitutional Rights and I request to Judge punishment for the Defendants.

8. Plaintiff(s) demand(s) a trial by

Jury -or- Court

(Circle only one).

9. PRAYER FOR RELIEF

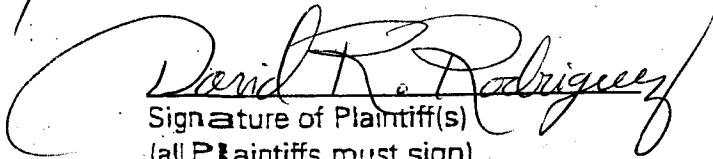
WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

I'm Suing them For Assault, Harassment, Discrimina-
tion and Abuse, also they violate my Constitutional
Rights, because they don't have Rights to put their
hands on me or assault to me. I'm Suing for damage
\$1,500,000 = dollars.

I declare under penalty of perjury that the foregoing is true and correct.

DATED:

Feb. 17/2010


Signature of Plaintiff(s)

(all Plaintiffs must sign)